

**COUNCIL WORK MINUTES**  
**NOVEMBER 20, 2013**

The City Council held a work meeting on Wednesday, November 20, 2013, at 5:30 p.m., in the Council Chambers, 10 North Main Street, Cedar City, Utah.

**MEMBERS PRESENT:** Mayor Joe Burgess; Councilmembers: Ron Adams; Nina Barnes; John Black; Don Marchant.

**MEMBER EXCUSED:** Councilmember Paul Cozzens.

**STAFF PRESENT:** City Manager Rick Holman; City Attorney Paul Bittmenn; City Engineer Kit Wareham; City Recorder Renon Savage; Finance Director Jason Norris; Police Chief Robert D. Allinson; Leisure Services Director Dan Rodgers; Public Works Director Ryan Marshall; CATS Supervisor Tammy Nay.

**OTHERS PRESENT:** Betsy Carlile, Melodie Jett, Tom Jett, Kent Reid, Pete Heilgeist, Dorian Page, Mikaela Dickson, Julian Heer, Luis Jimenez, Mike Hainisig, Max Bowles, Jacob Passey, Javlyn Weaver, Maile Wilson, Bev Burgess, Jace Einfeldt, Noah Hill, Camilla Christiansen, Greyson Jones, Alex Flory, Jaden Cox, Brandon Cook, Krysta Kinder, Averi Little, Jessi Tome, Sara Tyndall, Blake McCorkle, Kenyon O'Driscoll, Nate Johnson, Ana Weaver, Danielle Roberts, Kayden Lunt, Dallas Jolley, Connor Domen, Fred Rowley, Doug Hall, Daniel Pendry, Lynn Pendry, Keith Pendry, Cal Rollins, Megan Loomis, Jasmine Rojas.

**CALL TO ORDER:** Councilmember Black gave the opening prayer; the pledge of allegiance was led by Councilmember Barnes.

**AGENDA ORDER APPROVAL:** Mayor pulled Item #3 from the agenda. Councilmember Black moved to approve the agenda order with that change; second by Councilmember Adams; vote unanimous.

**ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF COMMENTS:** ■ Mayor – we will have the Christmas light turning on Saturday at 5:30 p.m. northwest corner of Festival Hall. ■ Marchant – I did a ride-a-long with Officer Zufelt last Friday, it was very educational, I have great respect for what the officers do. He was an exemplary officer; I feel they are all living to a higher standard.

**PUBLIC COMMENTS:** There were no comments.

**PUBLIC HEARING TO CONSIDER A LOT MODIFICATION IN THE VICINITY OF 1396 NORTH AND CEDAR VIEW DRIVE (LOTS 24 AND 25 OF CANYON RIDGE UD PHASE 4) – TIM WATSON:** Kent Reid, owner of the lots, I would like to move the lot line. Paul – Planning Commission gave a positive recommendation, even after he moves his lot line he has enough square footage on his property.

Mayor Burgess opened the public hearing. There were no comments, the hearing closed. Consent.

**CONSIDER APPROVAL OF THE TITLE 6 SUB-RECIPIENT PLAN – TAMMY NAY:** Tammy – in 2012 new transportation was signed into law, MAP 21 to strengthen safety of public transportation. We need to submit an approved plan to apply for the grant. It states that Cedar City Corporation and CATS will not discriminate on race, color and national origin, our plan needs to include policy adoption, policy procedures and complaint procedures. We must have Spanish and English posted in each bus. We are asking for approval of the plan and get it submitted to UDOT. Consent.

Tammy – I did a ridership through the end of October, in 2012 we had 13,484, dial-a-ride 6,016; we are down to 9,571 and 5,093. We are a little low, but we have expanded the routes so may see an increase.

**CONSIDER CEDAR CITY STYLE GUIDE – DANNY STEWART & BRENNAN WOOD:** Pulled.

**CONSIDER AN ORDINANCE AND AGREEMENT RELATED TO VACATING THE CITY'S INTEREST IN ITS RIGHTS-OF-WAY ALONG 200 WEST BETWEEN CENTER STREET AND COLLEGE AVE. – PAUL BITTMENN:** Paul – we are back with Center and College Ave on 200 West. When we came in June you approve vacating the interest and it will become effective as soon as all utilities are relocated and we inspect them. SUU then approached the City about a month and a half ago and said benefactors want to see clean title and with you maintaining the right-of-way until we move the utilities it is harming us. They are asking to vacate the interest immediately and enter a contract to keep the road open until SUU is ready for construction, at that time we will post notices that the road will be closed. We will still treat it like a normal street until construction. We will take a bond the interest our \$500,000 we have for the project with the RDA and that would more than cover moving, water, storm drain and secondary irrigation. It will free up the ability with the benefactors and give us security that the utilities will be moved to city specs and standards. Black – what about liability, will we still have the liability? Paul – as long as we keep it open and maintain it we will have exposure. Marchant – is that unusual, the benefactors are asking for something that they have already donated to. I don't understand the questioning.

Dorian Page – the benefactor is two parties, one is the County that wants to have some type of title in the property to secure their bond. The other is the new market tax credit that also want a vested interest in the project that secures we will build the building. It is a security interest in the County and US Bank. For us to secure that requires the road.

Paul – our security interest is if they don't move the utilities we keep the RDA money which is \$500,000 and the engineering department indicate that is more than enough money. Dorian – the first thing we will do in construction is move the utilities. Paul –

there is also a statement that they will have to do that first and a time frame to cut service and reconnect, something like a half day. Dorian – the bond will be returned once the utilities are moved? Paul – it will be returned during the construction phase. Once installed the improvements we release the majority of the bond and then keep a portion for one year. They already have \$1.5 million in State Bank of ours. We will release probably 90% of the \$500,000 and if they are relocated the money will be returned. Action.

**CONSIDER AN ORDINANCE REAUTHORIZING THE RAP TAX – PAUL**

**BITTMENN:** Paul – the RAP Tax passed with 68%, this formally reenacts the tax. I talked with the State Tax Commission, since we have one in place there should not be any delay like we did with the TRT. It will just roll forward for 10 years. Barnes – would you collect the information to us on the procedure on allotting the money and the terms, it could be time relook at the procedure, how we appoint, the members, how long they have been there. The ARTS community has approached to see about some changes. Mayor – I think all terms end at the end of this year. Action.

**CONSIDER RATIFYING THE CITY'S PRAIRIE DOG DECLARATION – RICK**

**HOLMAN:** Rick – PETPO asked the City to provide a declaration to assist in their efforts in the Federal Court system to quantify the problems we have had. The timing snuck up on me and we made some changes, provided it to the Mayor for his signature and got it for the Federal Suit. We want to ratify signing the declaration. Consent.


**DISCUSS SIGN ORDINANCE:** Rick – we talked somewhat in a work meeting ago about efforts to change how we address off premise signs and to suggest a better definition to cover some of the signage we use at recreation facilities such as ball fields. We will work on that definition. We will also look at our enforcement of the sign ordinance to address off-premise signs posted around town in a quicker manner. We want to hear any other recommendations to the Planning Commission from Council. You will not take action until after it is recommended by the Planning Commission. Barnes – with Downtown we need a higher standard and the image on what we do downtown on what we do with those to get a standard enforced or encouraged.

Tom Jett – I spoke a few weeks ago asking that you consider the way we look at off premise advertising, but not just for the ball fields and schools. Look at it in a commercial manner because of the change in technology. I hope this is brought up in the Planning Commission, not for the downtown, but we have other zones that are applicable. It will not add to sign pollution, and may reduce some signs. Barnes – do the signs on vehicles, such as Pawn Shop and Storage and they park downtown. Tom – the spirit is probably illegal, but you open the door to signs on vehicles. I don't have a problem with it. We are in an age the technology has changed, if you ban electronic signs, ban lighted signs and the City's electronic sign, but it is coming. If Cedar keeps the market share we will have to compete with what other communities are starting to do.

Black – how do you want us to provide thoughts and will it come back to Council before going to Planning Commission. Mayor – if it is a significant change the Council should

be part of deciding if it is passed on. Marchant – when will the Planning Commission address it? Rick – they meet 1<sup>st</sup> and 3<sup>rd</sup> Tuesday so we will put together thoughts and approach them and you can attend the meetings or staff can attend for you. Marchant – I am concerned that we rush into it. We pay thousands of dollars to help businesses on Main Street to redo signs and we have trees that cover the signs when they are in full bloom. We need to look with a broad vision with loop holes to allow us to embrace new forms and insights, it is like the vision our forefathers had with the Airport when people wondered why we had so much property. Rick – the most recent update was very involved and there was a lot of interest expressed from sign companies, businesses, people that wanted to maintain the esthetic value and all are good but sometimes competing interests. You can forward information to Paul or I and we will notify you when it goes to Planning Commission. Mayor – does the council give individual ideas or come here and have a collective decision to send to the Planning Commission. Barnes – I like the idea of modifying a few things, send in suggestions and staff send back to us the collective ideas. Marchant – we can spot focus on areas, but we want to be aware of what we need today and five years down the road. Rick – we will give you through the end of the year to give input and then in the first of the year we will bring back a summary and then we will take it to the Planning Commission.

**ADJOURN:** Councilmember Barnes moved to adjourn at 6:05 p.m.; second by Councilmember Adams; vote unanimous.

  
Renon Savage, CMC  
City Recorder